

UNITED STATES DISTRICT COURT

for the

JUDICIAL DISTRICT OF PUERTO RICO

United States of America

v.

[03] WILSON MONTALVO-ORTIZ a/k/a "Willie Barber"

Date of Previous Judgment: September 5, 2002

(Use Date of Last Amended Judgment if Applicable)

)

)

) Case No: 00-CR-153-02 (SEC)

) USM No: 13044-069

) Melanie Carrillo, AFPD

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment *(as reflected in the last judgment issued)* of 220 months **is reduced to** 168 months .

I. COURT DETERMINATION OF GUIDELINE RANGE *(Prior to Any Departures)*

Previous Offense Level: 37

Amended Offense Level: 35

Criminal History Category: I

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Previous Guideline Range: 210 to 262 months

Amended Guideline Range: 168 to 210 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other *(explain)*:

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 9/5/2002 shall remain in effect.

IT IS SO ORDERED.

Order Date: February 10, 2010

S/ SALVADOR E. CASELLAS

Judge's signature

Effective Date: February 10, 2010
(if different from order date)

SALVADOR E. CASELLAS, U.S. DISTRICT JUDGE
Printed name and title